

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**8:18CV46**

**ORDER**

Mr. Gardner is attempting to appeal. The Court of Appeals has dismissed an earlier appeal. Moreover, this appeal is out of time. Still further, he has not paid the appellate filing fee, but he has sought leave to appeal in forma pauperis. With that in mind, I certify that this appeal is not taken in good faith within the meaning of Federal Rules of Appellate Procedure 24. Therefore,

IT IS ORDERED that:

- (1) The Clerk of this Court shall not process the Notice of Appeal (Filing 81) but shall provide the Clerk of the Court of Appeals with a copy of this order.
- (2) The motion for leave to proceed in forma pauperis (Filing 83) is denied.
- (3) The various motions related to this appeal (Filings 85, 86, 87) are denied.

Dated this 23rd day of March, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge